

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN OF NEW YORK

CSX CORPORATION,

Plaintiff,

v.

THE CHILDREN'S INVESTMENT FUND  
MANAGEMENT (UK) LLP, THE CHILDREN'S  
INVESTMENT FUND MANAGEMENT  
(CAYMAN) LTD., THE CHILDREN'S  
INVESTMENT MASTER FUND, 3G CAPITAL  
PARTNERS LTD., 3G CAPITAL PARTNERS,  
L.P., 3G FUND, L.P., CHRISTOPHER HOHN,  
SNEHAL AMIN AND ALEXANDRE  
BEHRING, A/K/A ALEXANDRE BEHRING  
COSTA,

Defendants.

THE CHILDREN'S INVESTMENT MASTER  
FUND,

Counterclaim and Third-  
Party Plaintiff,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim and Third-  
Party Defendants.

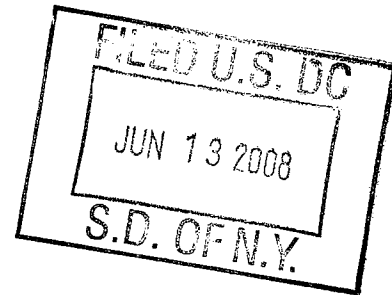
3G CAPITAL PARTNERS LTD., 3G CAPITAL  
PARTNERS, L.P. AND 3G FUND, L.P.,

Counterclaim Plaintiffs,

v.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim Defendants.



ECF Case

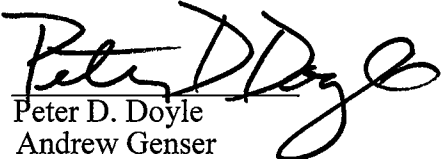
08 Civ. 02764 (LAK) (KNF)

**NOTICE OF APPEAL  
IN A CIVIL CASE**

Notice is hereby given that The Children's Investment Fund Management (UK) LLP, The Children's Investment Fund Management (Cayman) LTD., 3G Capital Partners LTD., 3G Capital Partners, L.P. and 3G Fund, L.P., Christopher Hohn, Snehal Amin, and Alexandre Behring A/K/A Alexandre Behring Costa, defendants in the above captioned case, hereby appeal to the United States Court of Appeals for the Second Circuit from the Final Judgment, Permanent Injunction, and Opinion entered in this action on June 11, 2008, copies of which are annexed hereto, permanently enjoining and restraining the defendants their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with any of the foregoing from violating Section 13(d) of the Securities Exchange Act of 1934, 15 U.S.C. § 78m(d), and Regulation 13D thereunder, 17 C.F.R. §§ 240.13d-1 through 13d-102 and granting plaintiff the costs of the action. In appealing from that Judgment and that Ruling, defendants appeal from any and all orders antecedent and ancillary thereto, including any and all interlocutory judgments, decrees, decisions, rulings, and opinions that merged into and became part of the Judgment and the Ruling, that shaped the Judgment and the Ruling, that are related to the Judgment and the Ruling, and upon which the Judgment and the Ruling are based.


Dated: June 13, 2008  
New York, NY

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